IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5246 of 2005

Between:

Sri Jasti Vijay Kumar, S/o.Sri Venkata Subbaiah,
R/o.D.No.27-20-31A, I floor, Rohini Marrige Lines,
Musem Road, Governorpet, Vijayawada-2.

..... PETITIONER

AND

Vijayawada Municipal Corporation, Rep.by its Commissioner, Vijayawada,
Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or a direction or a writ more particularly one in the nature of writ of Mandamus directing the respondent corporation not to lock the upstair portion of the premises at first floor of RCC building consisting of 3 rooms and 5 halls and open verandah and attached bathroom and lavatory at D.No.27- 20-31A, I floor Rohini Marriage Lines, Museum Road, Government, Vijayawada-2 as it is violative to principles of natural justice and constitution of India.

Counsel for the Petitioner: MR.Y.VISWESWARA RAO

Counsel for the Respondent: MR.T.S.VENKATARAMANA

The Court at the admission stage made the following :

ORDER:

The petitioner is the tenant of the premises bearing No.27-20-31A, Vijayawada-2. It

is not in dispute that one Susheela Mahanty is the owner of the said premises and the same was let out to the petitioner. It is also not in dispute that there are several civil suits pending between the parties for recovery of possession of the premises in question, as well as for recovery of the alleged rents due. Be that as it may, the only grievance of the petitioner in this writ petition is that the respondent-Corporation, at the instance of the landlady, has been attempting to lock the upstair portion of the premises, on the ground that the petitioner has committed default in payment of property tax in respect of the premises in question. The petitioner contends that the action of the respondent-Corporation is arbitrary and illegal, since they have failed to follow the procedure as prescribed under the provisions of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') as made applicable to Vijayawada Municipal Corporation.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the Corporation.

The learned Standing Counsel does not dispute the fact that under Section 276 of the Act, a detailed procedure has been prescribed for recovery of the arrears of the property tax, if any.

In the circumstances, without expressing any opinion as to the liability of the petitioner to pay the alleged arrears of property tax, the writ petition is disposed of with a direction to the respondent-Corporation not to dispossess the petitioner from the premises in question nor to take any coercive steps against the petitioner, without following the procedure as prescribed under the provisions of the Act. No costs.

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16.03.2005

Jsu

To

1. The Commissioner, Vijayawada Municipal Corporation, Vijayawada, Krishna District.

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